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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 JOSE RAMIREZ-SALGADO,

12 Petitioner,

13 vs.

14 LARRY E. SCRIBNER, et al.,

15 Respondent.

CASE NO. 08cv562-WQH (WMc)

ORDER DENYING RESPONDENTS'  
REQUEST FOR STAY

16 On June 30, 2008, Respondents filed a Request for Stay Pending Issuance of the Mandate in  
17 *Hayward*. [Docket No. 6.] Having reviewed Respondents' motion, the Court concludes that a stay  
18 pending the Ninth Circuit's decision in *Hayward v. Marshall*, 512 F.3d 536 (9<sup>th</sup> Cir. 2008), *reh'g en*  
19 *banc granted*, \_\_ F.3d \_\_, No. 06-55392 (9<sup>th</sup> Cir. filed May 16, 2008), is not warranted. Respondent  
20 has not demonstrated a strong compelling reason to delay the briefing until a ruling had been issued  
21 in the above captioned case. Therefore, Respondents' request is DENIED.

22 Respondents shall file an answer or other responsive pleading on or before September 1, 2008.  
23 Petitioner may file a traverse on before October 3, 2008.

24 IT IS SO ORDERED.

25 DATED: July 25, 2008

26 

27 Hon. William McCurine, Jr.  
28 U.S. Magistrate Judge  
United States District Court